

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Harold W. Walette,)	
)	
Plaintiff,)	ORDER RE PLAINTIFF'S MOTION
)	TO RECUSE DEFENDANTS'
vs.)	ATTORNEY
)	
Stacy LaRocque, et. al.,)	Case No. 4:04-cv-037
)	
Defendants.)	

Before the court is the plaintiff's "Motion Requestion [sic] That Government Counsel In This Action Be Recused Due To A Conflict Of Interest." (Docket No. 81).

The plaintiff states that he is serving a 40 year federal sentence for a drug and firearm conviction. He claims attorney Cameron Hayden prosecuted the plaintiff's criminal case and, because Mr. Hayden is the federal defendants' attorney in the current 1983 action a conflict arises that bars every attorney in the United States Attorney's Office from representing the federal defendants in the case at bar. In addition, he argues at least three of the defendants in the current action gave testimony during the plaintiff's criminal trial and the criminal conviction is currently being appealed to the Eighth Circuit. The plaintiff did not cite any case law to support his motion.

After carefully reviewing the plaintiff's motion, the court deems it without merit and, therefore, the motion is **DENIED**. (Docket No. 81).

Dated this 10th day of May, 2006.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge